

## Overview

This is the fourth Office of Internal Audit (OIA) Annual Report to the Commissioner. Its purpose is to provide overviews of our responsibilities and of the 1998 accomplishments of our various elements. Significant differences from last year's report are noted.

### OIA Functions

Our functions are set forth as follows in 8 C.F.R. § 100.2(a)(4):

*Headed by the Director of Internal Audit, the office promotes economy, efficiency, and effectiveness within the Service by managing the Service's systems for resolving alleged mismanagement and misconduct by Service employees; reviewing and evaluating the efficiency and effectiveness of Service operations and programs; collecting and analyzing data to identify patterns of deficiencies or other weaknesses warranting investigative or audit follow-up; making recommendations on disciplinary policies and procedures of the Service; overseeing Service systems to eliminate fraud, waste, and abuse in the workplace; and acting as the Service's liaison with outside audit/inspection agencies. These duties are executed in coordination with other components of the Service and other Department of Justice components.*

### OIA Organ- ization and Resources

Our personnel resources grew from 58 in 1997 to 69 in 1998.<sup>1</sup> They were distributed among our major functions as follows:

Function	Staff
Director, Deputy Director, and Admin. Support	3
Internal Review Branch:	
Assistant Director and Administrative Support	2
INSpect	28
Liaison, Analysis, and Follow-up	8
Special Review	6
Internal Investigations Branch:	
Assistant Director and Administrative Support	2
Investigations <sup>2</sup>	16
Case Management and Analysis	4
Total	69

## INSpect

We review Service programs and operations through INSpect, the INS Program for Excellence and Comprehensive Tracking. An INSpect review comprehensively examines a field office, focusing on areas that are vulnerable to fraud, waste, abuse, and mismanagement; require compliance with rules, regulations and procedures; or are of high priority or interest. During a two-week INSpect review, the diverse functions of an office are assessed using standard review guides developed through active participation of field and headquarters managers. The reviewers are drawn from a corps of INSpect-trained subject matter experts from across the INS. We manage all aspects of the process, from planning and scheduling, through on-site supervision and coordination, to prepara-

tion and issuance of draft and final reports of findings and recommendations. Before leaving a review site, the INSpect team provides managers with written findings and preliminary recommendations so they can start corrective actions immediately.

*1998  
INSpect  
Reviews*

During 1998, we led over 480 INSpect Corps members in 20 reviews of INS offices. We reviewed 10 District Offices, 8 Border Patrol Sectors, and 2 Service Centers. Those offices account for 35 percent of the Service's field employees.

During 1998, we issued 16 final reports. Those reports presented a total of 1,121 recommendations for corrections and improvement. Through INSpect, we identified 27 best practices, local successes with Service-wide applicability.

*INSpect  
Training*

The INSpect Corps now comprises 828 members. In 1998, we formally trained 243 INSpect Corps members in INSpect policies and procedures.

*Special INSpect:  
Detention and  
Deportation  
Management*

In 1997, we led Special INSpect reviews to assess detention and deportation management at the nine INS Districts with detention facilities. In February 1998, we issued a summary report that identified not only common deficiencies and weaknesses, but significant strengths and program ideas that had Service-wide application. The report contained six recommendations to INS management. We identified needs for: (1) a reporting system to ensure INS detention facilities' comply with fire and safety codes; (2) policies and procedures for detention and security operations, short-term detention processing, and detention of juveniles; and (3) occupancy standards for each detention facility. The appropriate offices are taking action on the recommendations. Through follow-up reviews, we will verify that the actions have been completed.

**Special  
Reviews and  
Projects**

We also conduct other reviews of Service programs and operations. Unlike INSpect reviews, which address at one time the various functions within individual INS offices, these focus on specific problems or program areas. In addition, we have taken the lead on several Service-wide projects.

*Citizenship USA  
(CUSA)  
Document  
Request*

In response to a Congressional request, the DOJ Office of the Inspector General (OIG) began a comprehensive investigation into allegations concerning the CUSA naturalization program. As part of that investigation, the OIG asked the INS to provide a wide range of CUSA related documents from the period September 1, 1994, through December 30, 1997.

We managed the Service's action on this request. We developed a plan, identified a core staff, coordinated the collection of data from 93 separate INS offices nationwide, and collected the responsive documents and submitted them to the OIG. In this effort, which was performed over a critically short time frame, we collected over 200,000 individually indexed documents keyed to 21 specific record categories. The review was complicated by the OIG requirement that each document's originating office

be identified and, where possible, that duplicate documents be eliminated. On April 6, 1998, two vans delivered to the OIG some 80 boxes of responsive documents, the largest volume of documents the INS ever has produced in response to such a request.

*Transition  
Review*

As a result of concerns raised by Chairman Spencer Abraham of the Senate Subcommittee on Immigration, the DOJ Justice Management Division (JMD) asked us to oversee and validate the INS review of selected naturalization case files processed between October 1, 1996, when the CUSA effort ended, and June 30, 1997, when revised Naturalization Quality Procedures (NQP) were implemented. Two categories of naturalization cases during this nine-month "transition period" were subject to review: (1) cases in which the FBI had a criminal history on the applicant; and (2) cases in which the applicant had a record in the Executive Office of Immigration Review ANSIR deportation database.

Of the approximately 455,000 persons naturalized during the transition period, 16,700 had "rap sheets" showing prior criminal arrests and possible convictions. Of those, 3,781 had rap sheets that documented felonies and crimes involving moral turpitude. The transition team examined 100% of those cases and 372 deportation/exclusion cases to ensure that any naturalization decisions that were improper based on the Service's good moral character criteria were identified and corrected.

Experienced INS examiners conducted the reviews. The INS Immigration Services Division coordinated the effort and we provided overall oversight, performing the same role as had the firm KPMG Peat Marwick in similar, previous reviews. We referred to the INS Revocation Unit all cases in which A-file documentation indicated that revocation based on criminal ineligibility might be appropriate.

*Quality  
Assurance*

Throughout 1998, we committed resources to designing a Quality Assurance (QA) oversight program to ensure the Service delivers the highest quality products possible. Initially directed toward establishing continuity, compliance, and consistency in the Service's naturalization process, the program eventually will expand to cover the full range of benefit processes. It also will serve as a model for other processes.

We issued nine reports summarizing QA review results from the field activities that process naturalization applications. Those reports provided senior INS management with measures of the progress made in improving the naturalization process.

*Naturalization  
Quality  
Procedures  
Audits*

Following the December 16, 1997, and September 22, 1998, KPMG Peat Marwick reports covering the Service's implementation of the NQP, we conducted reviews at specific INS offices to determine whether or not the conditions described in the reports continued to exist. During the first half of 1998 and again in the third quarter of 1998, we led teams of subject matter experts in follow-up reviews at four District Offices. In the first group of reviews, we found three of the four offices in compliance with critical NQP procedures. In the second, we found all four offices in

compliance. We produced reports of findings, observations, and recommendations within 30 days of our completion of fieldwork in each follow-up review. Both follow-up reviews in 1998 were well received and proved invaluable in strengthening and improving the naturalization process overall.

*Participation  
in Joint  
Agency  
Inspection*

In April 1998, we participated on a review team led by the U.S. Customs Service Investigations Management Inspection Office in San Diego, California. The purpose of the review was to evaluate the effectiveness of the Secure Electronic Network for Travelers' Rapid Inspection/Dedicated Commuter Lane (SENTRI/DCL) at the Otay Mesa Port-of-Entry. SENTRI, which was developed jointly by the Customs Service and the INS, provides a dedicated commuter lane and facilitates the flow of legal, low risk traffic into the United States. SENTRI electronically identifies pre-registered vehicles and displays to the Immigration or Customs Inspector on duty digital images of occupants who are pre-approved for admission to the United States.

Each team member reviewed randomly selected files to ensure that applications had been processed accurately and according to proper procedure. Team members also observed the complete application and interview process, and observed the operation of the system and its impact on the border traffic. The U. S. Customs Service issued the final report.

**Liaison**

We provide liaison between the INS and non-INS review organizations, ensuring that Service management is aware of ongoing reviews, and that the appropriate INS personnel and officials participate. The Internal Review Branch liaison staff coordinates with the General Accounting Office (GAO) and the Offices of the Assistant Inspectors General for Audit and Inspections.

<i>Organization</i>	<i>Reviews Open as of 1/1/98</i>	<i>New Reviews in 1998</i>	<i>Reports Received in 1998</i>
GAO Reviews	13	13	18
OIG Inspections	7	4	7
OIG Audits	18	6	8
Total	38	23	33
1997 Total	33	45	39

During 1998, the GAO completed a follow-up review to examine the Service's improvements in its Institutional Hearing Program. The report concluded that recommendations made in 1997 testimony still were valid and should be implemented as soon as possible. The GAO also completed the second of six reviews of the Attorney General's strategy to deter illegal entry into the United States. That review focused on the strategy as it relates to interior and work site enforcement.

The GAO completed three reports in 1998 related to immigration statistics. One focused on earlier National Academy of Sciences reports regarding the need to improve the collection and management of statistics. The GAO concluded that at least some action had been taken to implement most of the recommendations in these earlier reports. The second GAO report identified Federal guidance to agencies responsible for dealing with information on the foreign-born, and compared to such guidance agencies' independence, capacity to produce information, and efforts to coordinate the production of information. The report did not include any recommendations or identify any notable weaknesses on the part of the INS. The third GAO report identified policy-related information needs for immigration statistics and Federal statistics, and strategies for improving immigration statistics. It also evaluated the quality of those statistics. That report made three recommendations to the INS, and three recommendations jointly to the INS and the Bureau of the Census.

The OIG completed audits of the Refugees Asylum and Parole System and the Service's property management system, and a follow-up audit of the Service's automation program. The OIG completed inspections of controls over certificates of naturalization, Border Patrol drug interdiction activities on the Southwest border, and Immigration Officer training. The training review dealt primarily with the issue of general arrest authority training.

To keep INS managers informed of review activities, we issue each week to the INS Executive Staff and Regional Directors schedules of travel related to ongoing and pending reviews.

### Follow-up

We track INS corrective actions on recommendations made by INS and non-INS review organizations.

#### *Follow-up on External Organizations' Recom- mendations*

By prompting INS organizations to take the corrective actions for which they are responsible, we facilitate the implementation of actions recommended in external organizations' reviews.

<i>External Organizations' Recommendations</i>	<i>1998</i>	<i>1997</i>
Open at the beginning of the year	141	89
Added during the year	96	98 <sup>3</sup>
Closed during the year	83	46 <sup>4</sup>
Pending at the end of the year	154	141

#### *Follow-up on OIA Review Recom- mendations*

We follow up with INS organizations to determine if they have taken the actions that they agreed to take in response to recommendation in INSpect and other OIA review reports. Through continuous follow-up and 15 on-site reviews during the year, we obtained information sufficient to demonstrate that corrective action had been taken on 328 recommendations.

<i>INSpect and Other OIA Recommendations</i>	1998	1997
Open at the beginning of the year	485	200 <sup>5</sup>
Added during the year	1,121	376
Closed during the year	328	91
Pending at the end of the year	1,278	485

## Analysis

We analyze information in our reports and in those of other review organizations, including the GAO and the OIG, to identify systemic problems, trends, and best practices.

### *INSpect Alerts*

Based on analysis of the findings and recommendations made in *INSpect* reports, we issue *INSpect Alert* reports to INS management. *INSpect Alerts* let managers know about problems repeatedly found in *INSpect* reviews so they can identify and correct those problems in their own operations. During 1998, we issued ten *INSpect Alerts* covering property management, inspections, financial management, records, investigations, security, procurement, Border Patrol, and legal proceedings functions.

We also analyzed the types of recommendations made in *INSpect* reviews. Based on our analyses, we found that almost 60 percent of *INSpect* recommendations have concerned compliance with existing guidance. About nine percent of the recommendations have dealt with a need to train staff, most commonly in administrative processes where training generally is given on-the-job. Another nine percent of the recommendations have identified needs to expend resources to correct problems. Of those, half related to improving physical security of INS work areas.

We will continue to follow-up with responsible parties to ensure management accountability and to verify the consistent implementation of corrective actions.

### *Best Practices*

We periodically issue bulletins providing information from OIA reviews and investigations that can improve procedures and processes throughout the Service and help our customers perform their functions more efficiently. Because the issues in these publications have Service-wide application, we direct them to INS employees at all levels.

In 1998, we issued a "Naturalization Best Practices" bulletin that focused on accomplishments, strengths, and noteworthy ideas found in our special reviews of the Naturalization Quality Procedures. We published an issue of "News You Can Use" that highlighted 23 Best Practices, ranging from a Service Center's biweekly orientation program for new employees to a District's development of a computer system to track leads and referrals on fraud cases.

**Investigations**

We manage the processes by which allegations of misconduct on the part of Service employees are reported, resolved, and acted upon. We also conduct internal investigations and assign and oversee the conduct of inquiries by field managers.

In 1998, we increased our focus on proactive strategies to identify underlying causes of misconduct and help prevent its occurrence. Among those efforts, which are described in greater detail below, are the following:

- our resolution of systemic issues disclosed by investigations;
- our Integrity and Ethical Decision Making professional development seminars;
- our development of an Early Intervention System; and
- our management inquiry manual and training.

*OIA  
Investigations  
Process*

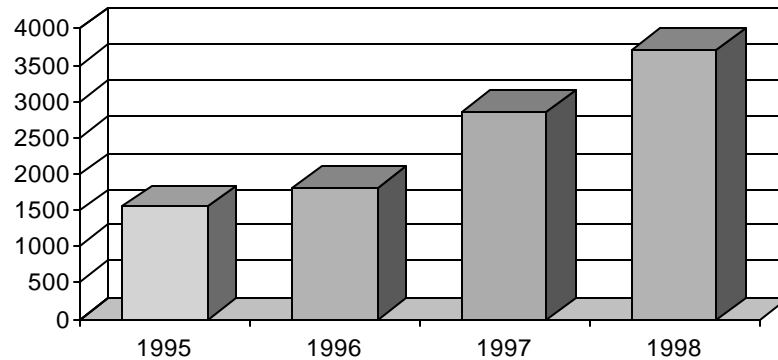
We receive employee misconduct allegations from a variety of sources. Many cases we open are based on referrals by INS field managers and the Office of the Assistant Inspector General for Investigations (OAIG-I); correspondence to Department of Justice and INS officials from complainants and their representatives, advocacy groups, and Members of Congress; and the complaint forms mentioned elsewhere in this report. We refer to the OAIG-I those more serious matters which agreements with that office call for us to refer. The OAIG-I returns the majority of such cases to us either for investigation or for information only.<sup>6</sup>

We decide whether to investigate cases ourselves or to refer them to the appropriate INS managers, either for their conduct of management inquiries or for information and action as they deem appropriate.<sup>7</sup> In cases we refer for management inquiry, we set suspense dates for completion of action, require reports of findings, and require records of corrective action taken based on substantiated allegations.

Some of the cases we receive must be or already are being investigated by organizations outside the INS, generally for the purpose of supporting possible criminal prosecution, e.g., the OAIG-I and the Civil Rights Division of the Department of Justice (CRT). We ensure those cases are presented to the appropriate investigative organizations and monitor their progress. The vast majority ultimately are referred to us following declination of criminal prosecution. We review the investigative work done on those cases and determine whether additional investigation is warranted.<sup>8</sup>

*Cases  
Opened  
in 1998*

In 1998, we opened 3,718 cases. The number of cases we open has increased steadily over time as depicted by the following graph:



Some, and probably most, of the increase is attributable to the growth in Service employment, our tightening of reporting requirements for allegations of misconduct pursuant to the *Giglio* Policy, and increased community outreach efforts by the Service.<sup>9</sup>

The dispositions of the 3,718 cases we opened were as follows:

Disposition of Cases Opened by the OIA	Cases	
	1998	1997
Action by the OIA:		
Full investigation by OIA	598	474
Management inquiry by OIA	35	130
Referral to field management for inquiry with OIA oversight	1,135	890
Referral to field management for information	1,094	653
File/no action	145	116
Other (e.g., determination of disposition pending)	370	134
Subtotal	3,377	2,397
Action by non-INS organizations		
Full investigation by the OAIG-I	323	451
Preliminary investigation by the OAIG-I	0	2
Investigation by the CRT/FBI	18	16
Subtotal	341	469
Total	3,718	2,866



*Allegations  
In Cases  
Opened  
In 1998*

The allegations in the cases that we opened in 1998 fell in the following categories:<sup>10</sup>

<i>Allegation Category</i>	<i>1998</i>	<i>1997</i>
Personnel prohibitions	45%	43%
Abuse of aliens/detainees <sup>11</sup>	11%	12%
Negligence/carelessness	8%	6%
Off-duty misconduct	5%	5%
Information, documents, stamps, etc.	5%	6%
Theft	5%	6%
Criminal acts/felonies	5%	5%
Firearms violations	4%	4%
Vehicles and equipment	4%	3%
Drug/narcotics violations	2%	3%
Fraud	2%	3%
Sexual misconduct	1%	1%
Perjury and impeding investigations	1%	1%
Inappropriate relationships with aliens	1%	1%
EEO violations	1%	1%
Total	100%	100%

*Cases  
Completed  
In 1998*

During 1998, our Special Agents completed a total of 486 full investigations. One or more allegations were found substantiated in 179 of those cases (36.8%), with the results forwarded to field managers for determination of appropriate corrective action.

<i>OIA Investigations</i>	<i>1998</i>	<i>1997</i>
Cases opened	598	474
Cases completed	486	364
Cases pending at year end	111	128

*Cases  
Closed  
In 1998*

When we receive reports of investigation or inquiry, be they our own or those of INS managers or of non-INS agencies, we ensure that the issues have been properly identified; that the necessary facts have been obtained; and that systemic problems are addressed. For those cases in which investigation or inquiry results appear to support findings of misconduct, we ensure those results will enable the responsible managers to make proper determinations on individual corrective action. Before closing any such case, we ensure that corrective action taken against employees based on substantiated allegations is reasonable, appropriate, and timely.

Where their identities are known, we notify non-INS complainants at two points in the process: upon receipt of the complaint and upon completion of any resulting inquiry or investigation. During 1998, we sent 614 such

letters. Also, we continued our practice of advising those employees who are named as subjects in complaints when allegations concerning them are not substantiated and the cases are closed. We issued 515 such letters in 1998.

We closed a total of 2,902 cases in 1998 on the following bases:

<i>Basis for Closure</i>	<i>1998</i>	<i>1997</i>
Investigation or inquiry completed:		
One or more allegations substantiated and corrective action properly considered	820	692
No allegations substantiated	1,086	795
Investigation or inquiry not required (e.g., referred to management for information only, or filed/no action)	996	866
Total	2,902	2,353

*Individual  
Corrective  
Actions*

As noted above, a far larger number of substantiated cases result in disciplinary action than in criminal prosecution. In 1998, we recorded a total of 781 disciplinary and other actions taken against employees in cases of substantiated misconduct allegations. The following actions resulted from the 820 cases we closed in 1998 in which allegations against a total of 879 employees were substantiated:

<i>Individual Corrective Action</i>	<i>1998</i>	<i>1997</i>
Suspension	228	205
Reprimand	183	187
Termination of employment	101	108
Counseling	81	58
Resignation prior to corrective action	59	44
Other <sup>12</sup>	39	10
Admonishment	38	29
Criminal conviction and sentence <sup>13</sup>	31	19
Retirement prior to corrective action	11	7
Reassignment	4	4
Demotion	3	12
Alternative dispute resolution	2	0
Restitution	1	0
None <sup>14</sup>	98	70
Total <sup>15</sup>	879	753

*Systemic  
Corrective  
Actions*

Although we always have presented to management for resolution systemic issues identified in investigations or inquiries, we stepped up efforts to do so in 1998. An example would be an instance in which an employee was made vulnerable to a complaint because guidance or

policy did not exist or was not properly disseminated. Our work with senior management this year was particularly notable in two areas: detention practices and procedures related to asylum seekers, and the conduct of worksite enforcement operations. We will continue to pursue these valuable efforts in 1999.

We also instituted reviews of situations in which employees have been prosecuted on drug or corruption charges. In these reviews, we examine the employees' careers (including the screening and hiring process) prior to their illegal acts for warning signs in their job performance or interaction with co-workers that could have led to intervention which might have stopped the behaviors from escalating. We also determine whether or not factors such as lack of policy or guidance contributed to the employees' illegal behaviors. We completed our first such review and presented our findings to senior agency management in 1998. Four similar reviews are underway.

*Civil  
Rights  
Cases*

Of the 2,902 cases we closed in 1998, 373 involved allegations of abuse of aliens/detainees, including physical abuse, illegal search or seizure, unlawful or unnecessary detention, and sexual misconduct. Such allegations are immediately referred to the CRT. Of all civil rights complaints referred to the CRT by DOJ components, fewer than ten percent result in criminal investigation and only one percent are prosecuted. The remaining 90 percent are investigated administratively following declination of prosecution.

In 1998, corrective actions were taken against 33 Service employees based on substantiated civil rights allegations:

<i>Individual Corrective Action</i>	<i>1998</i>	<i>1997</i>
Admonishment/Counseling	6	12
Reprimand	3	11
Termination of employment	3	5
Suspension	3	5
Resignation prior to corrective action	3	4
Criminal conviction and sentence	1	0
Reassignment	1	0
None <sup>16</sup>	13	6
Total	33	43

*Government-  
Issued  
Credit Cards*

In 1998, we continued to investigate instances of possible misuse of employees' government-issued credit cards and failure to pay bills on such accounts. By year's end, we had opened 115 investigations on totals of \$72,876.96 in misuse and \$178,032.22 in failure to pay bills.

In addition, we participated in the implementation of the new, Service-wide Master Card program, providing historical data on charge card issues so that safeguards could be built into the new program. Also,

guidance regarding the reporting of misuse that we provided was incorporated in a memorandum to all Service managers concerning their responsibilities for ensuring proper charge card use.

## Training and Information

### *Integrity and Ethical Decision Making Seminars*

In addition to conducting investigations, we devoted substantial effort to developing manuals and training programs for the benefit of both employees and the public.

Working with representatives of the Boston-based organization Facing History and Ourselves, the Director, OIA, continued his eight-hour "Integrity and Ethical Decision Making" professional development seminars. Over 1000 employees attended the seminars in 1998. The target audience, initially supervisors, has been broadened to all employees. Seminar discussions focus on values important to the class, and factors that cause people to make decisions that have negative consequences. Methods for weighing alternatives and for judging consequences before making decisions are provided as tools for everyday use. Attendees welcome the interactive nature of the course and the positive way in which information is presented. Although the course mainly has been given at locations along the Southwest border, it will be provided in a wide variety of locations in 1999. The Director, OIA, and the Director of the INS Leadership Development Center are discussing inclusion in the Center's offerings of a two-day seminar on this topic.

### *Early Intervention System*

We are developing an Early Intervention System (EIS) that will identify employees against whom multiple misconduct allegations have been made, and assist those employees in avoiding future allegations. The EIS will be non-punitive; it will help identify the underlying reasons for individuals' misconduct and provide intervention strategies to individual employees and their managers. Its objective is to address and resolve concerns before behavior escalates into serious misconduct.

This year, we queried over 25 police agency internal affairs departments to determine how they developed and implemented systems similar to our proposed EIS. We have sought and received input from the Regional Directors. In early 1999, we will meet with field managers and bargaining unit representatives to ensure the EIS meets the unique needs of the Service.

### *Management Inquiry Handbook and Training*

We published our "Management Inquiry Handbook," INS Form M-467, in February 1998. It was disseminated in April 1998 to over 4,000 field managers. The handbook provides managers who conduct management inquiries guidance that ensures the timely, high quality resolution of misconduct allegations.

In conjunction with the handbook, we designed and implemented a program to train field managers in planning, conducting, and reporting the results of management inquiries. In twelve, eight-hour sessions throughout the country, we presented the training to 240 field managers in 1998. We will conduct additional sessions in 1999.

Over the past three years, between 41 and 50 percent of all complaints we received have concerned personnel prohibitions, e.g., complaints regarding hiring, promotions, and selections, or alleging intimidation, harassment, or verbal abuse among coworkers. Because of that, our Management Inquiry Handbook and training stress that most matters we refer for management inquiry involve interpersonal relationships in the workplace, and encourage managers to resolve allegations before they escalate into more serious instances of misconduct and to report those resolutions to us.

*Community  
Education and  
Outreach*

As part of the Service's community outreach initiatives, we participated in 25 meetings organized by Districts and Sectors nationwide. Over 1,025 members of local communities, immigration attorneys, advocacy group members, representatives of foreign consulates, and local elected officials were briefed on the processes for reporting and resolving misconduct complaints, and our office's interaction with local offices to resolve allegations.

*Complaint  
Posters  
and Forms*

We distributed an additional 1,500 complaint posters to INS offices, bringing the total distributed to date to over 6,500. The poster is available in English and English/Spanish versions. In addition, we updated the complaint form (Form I-847) to improve its Spanish translation. We are in the process of placing the complaint form on NSERTS (the INS Easy Research and Transmittal System) to ensure its ready access by Service offices.

*Other  
Training and  
Presentations*

In 1998, the Director, OIA, the Assistant Director, Internal Investigations, and senior Internal Investigations staff participated in a wide variety of programs to inform employees and managers of reporting requirements and the complaint resolution process. We also generated and presented to senior field and regional managers statistics identifying the types and nature of misconduct allegations we received from their geographic areas. Groups addressed included the Inspections Conference, the Eastern Region Deputy District Directors and Officers in Charge, the Eastern Region District Directors and Chief Patrol Agents, the Central Region District Directors and Chief Patrol Agents, the Western Region Deputy Chief Patrol Agents, and the Deputy District Directors and senior staff of the Miami and Houston Districts. Representatives of our office also addressed several newly hired OAIG-I Special Agents to acquaint them with our administrative investigations and processes.

**Additional  
Investigations  
Matters**

Our internal investigations staff perform a variety of additional functions related to the conduct and management of investigations and the prevention of misconduct. We also made a number of improvements to our processes during the year.

*Giglio*

In 1997, we were designated as the office responsible for INS compliance with the DOJ *Giglio* Policy, which requires DOJ investigative components to provide federal prosecutors with possible impeachment information regarding Government employee witnesses in criminal prosecutions. In 1998, we responded to *Giglio* requests on 2,200 INS employees.

<i>Name Checks</i>	We respond when management asks if candidates for higher-level positions or nominees for significant awards are subjects in open investigations, or in investigations in which misconduct was found to have occurred. Such reviews also are done as part of security background investigations and reinvestigations. We responded to over 1,209 "name check" requests in 1998.
<i>FOIA Requests</i>	In 1998, we processed 108 Freedom of Information Act requests for misconduct case information. In addition, we ensured that field FOIA offices were instructed to forward requests related to OIA matters to the Headquarters FOIA/PA office for processing.
<i>Firearms Issues</i>	One of our Special Agents, who serves as our liaison to the INS Shooting Incident Review Committee (SIRC), coordinates and oversees inquiries into all shooting incidents nationwide, and presents the results to the SIRC at its meetings. <sup>17</sup> The SIRC reviews shooting incidents and decides whether or not to make observations or recommendations for possible individual corrective actions or changes in training or safety procedures. In 1998, 104 shooting incidents were reported to us. We presented 66 cases to the SIRC; 85 were pending completion of inquiry or investigation at year's end.
<i>Duty Agent/ Monitoring Significant Incidents</i>	We continued to provide 24-hour per day, 7-day per week coverage to receive and respond to significant incidents reported through the INS Command Center. Special Agents, with supervisors as backup, rotate weekly through the duty agent assignment. Our duty agents handled 694 significant notifications in 1998.
<i>Monthly Civil Rights Report</i>	The OAIG-I provides the Attorney General a monthly report detailing the history and status of each case concerning an INS employee that was initially referred to the CRT. The report typically lists 40 to 50 open cases at various stages of inquiry, from referral to the CRT to closure based upon either negative investigative findings or completion of judicial or administrative action. We provide INS input to the report and continuously oversee the progress of each case on it, whether under investigation by our office or an outside agency (the OAIG-I, the CRT, a U.S. Attorney's Office, or the FBI), or being addressed through management inquiry. The OIA Special Agent assigned this task follows each case through to conclusion, including completion of corrective action.
<i>Ensuring Complete Records</i>	During the year, we identified over 200 instances in which employees or managers did not report allegations and incidents that should have been reported to us. We obtained the records of the incidents from field managers.
<i>Restructuring and Regional Concept</i>	In 1998, we restructured our internal investigations staff to improve efficiency and handle increased workload. A team of Special Agents was dedicated to each INS Region's casework, and a separate unit was established to handle special investigations and projects. So organized, our staff can form more effective working relationships with field manag-

ers, Labor and Employee Relations Specialists, and Regional, District, and Sector Counsels. Each month, we issue comprehensive reports to each Regional Director listing all open management inquiries and due dates, and corrective actions outstanding in substantiated cases. The Regional Offices have been extremely supportive in designating points of contact to address and report to us investigative outcomes and corrective actions.

*Office of  
Security*

This year, we established a protocol by which the Office of Security reports to us allegations of misconduct uncovered during background investigations, and we advise that office of issues germane to security clearances. We are currently exploring the feasibility of exchanging information between our databases.

*OIA/LMER  
Conference*

In September, 1998, we hosted a two-day conference of internal investigations staff, senior field managers, Labor Management and Employee Relations (LMER) representatives, our Regional points of contact, representatives of the Office of Security, and Regional Counsels. The conference provided an excellent exchange of information on legal and procedural issues related to OIA investigations, and feedback from managers who use our work products as bases for disciplinary and adverse actions.

**Other  
Notable  
Activities**

- ❑ We are extremely proud that three of our staff members were chosen for Commissioner's Awards this year. Our Assistant Director, Internal Review, received the Commissioner's Exceptional Service Award — the Service's most prestigious award — for her "unparalleled performance as a manager, analyst, advisor, and leader." Additionally, two of our analysts received the Commissioner's Quality and Productivity Improvement Award for their development and implementation of the Service's comprehensive follow-up capability.
- ❑ One of our analysts regularly participates in the Service's Quarterly INS Automation Initiative and Quarterly Information Technology Contract briefings. Also, we provide one of our analysts as a part-time member of the Information Technology Working Group. The group was organized during 1998 to periodically review: (1) the INS discretionary and non-discretionary Information Resources Management (IRM) Operations and Maintenance costs for the upkeep and general support of existing IRM related projects, and (2) the INS IRM Project Investment Strategy. All approvals and adjustments are made on a project-by-project basis, and result in formal reports containing recommendations to the INS Executive Steering Committee.
- ❑ The Assistant Director, Internal Investigations, continued to serve as a member of the International Association of Chiefs of Police National Committee on Civil Rights, and the San Diego Civil Rights Working Group. The latter group meets bimonthly with members of the community to improve communication and to address issues of mutual interest.

- ❑ We provided information on the *Giglio* Policy for inclusion in journeyman training at the Immigration Officer Academy in Artesia, New Mexico. A member of our office made a presentation at the national *Giglio/Brady* Conference hosted by the Executive Office for United States Attorneys in November 1998. An OIA representative is also a member of the Department's *Giglio* Policy Working Group.

**Notes**

1. Eleven additional positions were authorized as a result of a reprogramming action, six in February 1998 and five in September 1998.
2. This figure does not include four Office of Field Operations personnel detailed to the OIA for most of 1998. In the past several years, each INS Region has provided two agents for such details; in 1998, only one of the Regions provided two agents for the entire year.
3. This figure differs from the 97-recommendation figure cited in the OIA 1997 Annual Report to the Commissioner because one recommendation was divided into, and now is tracked as, two recommendations.
4. This figure differs from the 55-recommendation figure cited in the OIA 1997 Annual Report to the Commissioner because OIA recommendations erroneously were included in the latter.
5. This figure corrects a miscalculation on which the 152-recommendation figure cited in the OIA 1997 Annual Report to the Commissioner was based.
6. Of the 3,718 cases we received in 1998, we resolved 3,377 (91% percent) directly or through oversight of INS field managers' inquiries.



7. Both investigations and management inquiries represent reviews of allegations of misconduct. Investigations are more formal and usually are conducted by trained investigators. Management inquiries are less formal and usually are conducted by management officials or their designees.
8. Because the criminal and administrative processes differ, particularly in respect to offenses on which action can be based and the degree of proof required, criminal investigative results often need to be supplemented before they can be used in the disciplinary/adverse action context. Quite often, statements obtained in a criminal investigation that are not in the form of sworn testimony are of limited value in disciplinary and adverse action cases. Also, many criminal investigations do not include an interview of the subject prior to a declination for prosecution. In substantiated administrative cases, disciplinary action cannot be initiated without a subject interview. In such cases, we work with the investigating agency and request that certain aspects of the case be supplemented, or agree with the agency that we will supplement the case.
9. In December 1996, the Attorney General issued the DOJ-wide *Giglio* Policy, which requires DOJ investigative components to provide federal prosecutors with possible impeachment information regarding Government employee witnesses in criminal prosecutions. We were designated as the office responsible for INS compliance with the *Giglio* policy.
10. The allegation category figures are shown as percentages because a significant number of cases entail multiple allegations.
11. Our allegation category "Abuse of aliens/detainees" includes allegations of abuse and other civil rights violations and of discourtesy to the public.
12. The "Other" category of individual corrective actions includes such actions as not extending an employee's temporary appointment, referral to the Employee Assistance Program, and resolution through background investigation and clearance channels.
13. This figure includes local judicial actions for off duty offenses such as driving while intoxicated, domestic violence, and failure to pay child support. Over the past three years, an average of six employees were prosecuted for corruption related to their official duties.
14. The "None" category of individual corrective actions includes cases in which, while investigation or inquiry supported a finding of misconduct in our view, individual corrective action could not be taken. Included, for example, are cases in which: (1) labor and employee relations or legal staff advised managers that disciplinary action should not be pursued because such action would not be sustained, either because the evidence was insufficient or too much time had elapsed since the incident at issue; (2) the managers responsible made reasonable determinations, contrary to those of the investigative agencies, that the evidence did not support corrective action; and (3) no INS employee subject could be identified.
15. The total exceeds the number of cases closed because some cases involved multiple subjects.
16. (See the above note regarding the "None" category of individual corrective actions.)
17. The Director, OIA, serves as a member of the SIRC, and the Assistant Director, Internal Investigations, as the Director's alternate.